

REMARKS

This Application has been carefully reviewed in light of the Official Action dated January 18, 2006. In order to advance prosecution of the present Application, Claims 1, 11, and 16 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1, 2, 4, and 8-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McAllister, et al. Independent Claims 1, 11, and 16 recite in general an upstream reverse notification path associated with a working path for signal traffic established from a destination switch to a protection switch in the working path where the upstream reverse notification path is separate from a protection path. By contrast, the McAllister, et al. patent merely discloses sending a call setup message from a first node to a second node and the use of a return crankback message sent from the second node to the first node when the second node is unable to comply with the call setup message. The McAllister, et al. patent merely uses a node to node crankback acknowledgment technique and provides no mechanism for establishing an upstream reverse notification path let alone from a destination switch to a protection switch as provided by the claimed invention. Support for the above recitation can be found at page 3, lines 18-21, and page 17, lines 12-15, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 2, 4, and 8-20 are patentably distinct from the McAllister, et al. patent.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over McAllister, et al. in view of Lee, et al. Independent Claim 1, from which Claim 5 depends, has been shown above to be patentably distinct from the McAllister, et al. patent. Moreover, the Lee, et al. patent does not include

any additional disclosure combinable with the McAllister, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 5 is patentably distinct from the proposed McAllister, et al. - Lee, et al. combination.

Claims 3, 6, and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McAllister, et al. in view of Haskin, et al. Independent Claim 1, from which Claims 3, 6, and 7 depend, has been shown above to be patentably distinct from the McAllister, et al. patent. Moreover, the Haskin, et al. patent does not include any additional disclosure combinable with the McAllister, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 3, 6, and 7 are patentably distinct from the proposed McAllister, et al. - Haskin, et al. patent.

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CONCLUSION

Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
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